

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00918-JEB**

MONTGOMERY et al v. INTERNAL REVENUE SERVICE
Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 05/16/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

THOMAS A. MONTGOMERY

represented by **Nicholas Lawrence Wilkins**
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005
(202) 637-6178
Email: nick.wilkins@whitecase.com
ATTORNEY TO BE NOTICED

Kim Marie Boylan
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005
(202) 626-3685
Email: kboylan@whitecase.com
ATTORNEY TO BE NOTICED

Plaintiff

BETH W. MONTGOMERY

represented by **Nicholas Lawrence Wilkins**
(See above for address)
ATTORNEY TO BE NOTICED

Kim Marie Boylan
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

INTERNAL REVENUE SERVICE

represented by **Joseph E. Hunsader**
U.S. DEPARTMENT OF JUSTICE
Tax Division
P.O. Box 227
Ben Franklin Station
Washington, DC 20044
(202) 514-0472
Fax: (202) 514-6866
Email: joseph.e.hunsader@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Carroll
U.S. DEPARTMENT OF JUSTICE
Tax Division
555 Fourth Street, NW
R
Washington, DC 20001
(202) 307-6669
Fax: (202) 514-6866
Email: jonathan.d.carroll@usdoj.gov

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 05/16/2017 | <u>1</u> | COMPLAINT against INTERNAL REVENUE SERVICE (Filing fee \$ 400 receipt number 0090-4954271) filed by THOMAS A. MONTGOMERY, BETH W. MONTGOMERY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons)(Boylan, Kim) (Entered: 05/16/2017) |
| 05/17/2017 | <u>2</u> | ERRATA /Notice of Errata by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY <u>1</u> Complaint, filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Corrected Complaint, # <u>2</u> Corrected Civil Cover Sheet)(Boylan, Kim) (Entered: 05/17/2017) |
| 05/19/2017 | | Case Assigned to Judge James E. Boasberg. (zsb) (Entered: 05/19/2017) |
| 05/19/2017 | <u>3</u> | SUMMONS (3) Issued Electronically as to INTERNAL REVENUE SERVICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 05/19/2017) |
| 06/02/2017 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/23/2017. (Boylan, Kim) (Entered: 06/02/2017) |
| 06/02/2017 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. INTERNAL REVENUE SERVICE served on 5/23/2017 (Boylan, Kim) (Entered: 06/02/2017) |
| 06/02/2017 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/23/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/22/2017. (Boylan, Kim) (Entered: 06/02/2017) |
| 06/19/2017 | <u>7</u> | Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 06/19/2017) |
| 06/19/2017 | | MINUTE ORDER GRANTING Defendant's Unopposed <u>7</u> Motion for Extension of Time to File. The Court ORDERS that Defendant shall respond to the Complaint on or before July 22, 2017. Signed by Judge James E. Boasberg on 6/19/17. (lcjeb2) (Entered: 06/19/2017) |
| 06/19/2017 | | Set/Reset Deadlines: Responses due by 7/22/2017. (nbn) (Entered: 06/20/2017) |
| 07/21/2017 | <u>8</u> | ANSWER to Complaint by INTERNAL REVENUE SERVICE.(Hunsader, Joseph) (Entered: 07/21/2017) |
| 07/24/2017 | | MINUTE ORDER: The Court ORDERS that the parties shall meet, confer, and submit a joint proposed briefing schedule by August 7, 2017. Signed by Judge James E. Boasberg on 7-24-2017. (lcjeb3) (Entered: 07/24/2017) |
| 07/24/2017 | | Set/Reset Deadlines: Parties shall meet, confer, and submit a joint proposed briefing schedule by 8/7/2017. (nbn) (Entered: 07/24/2017) |
| 08/01/2017 | <u>9</u> | NOTICE of Appearance by Nicholas Lawrence Wilkins on behalf of BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Wilkins, Nicholas) (Entered: 08/01/2017) |
| 08/02/2017 | <u>10</u> | PROPOSED BRIEFING SCHEDULE / Joint Proposed Briefing Schedule by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 08/02/2017) |
| 08/02/2017 | | MINUTE ORDER: The Court ORDERS that the parties shall submit a joint proposed briefing schedule by August 7, 2017, which shall propose sequential, not simultaneous, briefs. Signed by Judge James E. Boasberg on 8/2/17. (lcjeb2) (Entered: 08/02/2017) |

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| 08/02/2017 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 8/7/2017. (nbn) (Entered: 08/02/2017) |
| 08/03/2017 | <u>11</u> | PROPOSED BRIEFING SCHEDULE / <i>Joint Proposed Briefing Schedule</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 08/03/2017) |
| 08/04/2017 | | MINUTE ORDER: Per the parties' Joint <u>11</u> Proposed Briefing Schedule, the Court ORDERS that: (1) Defendant shall file its motion for summary judgment on or before October 11, 2017; (2) Plaintiffs shall file their opposition to Defendant's motion and cross-motion on or before November 6, 2017; (3) Defendant shall file its reply and opposition to Plaintiffs' cross-motion on or before November 30, 2017; and (4) Plaintiffs shall file their reply on or before December 14, 2017. Signed by Judge James E. Boasberg on 8/4/17. (lcjeb2) (Entered: 08/04/2017) |
| 08/04/2017 | | Set/Reset Deadlines: Summary Judgment motions due by 10/11/2017. Response to Motion for Summary Judgment due by 11/6/2017. Reply to Motion for Summary Judgment due by 11/30/2017. Replies due by 12/4/2017. (nbn) (Entered: 08/04/2017) |
| 10/10/2017 | <u>12</u> | Unopposed MOTION for Extension of Time to <i>File Summ. Judg. Motion by 9-Days and Entire Summ. Judg. Briefin Schedule by 1-Day</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 10/10/2017) |
| 10/10/2017 | | MINUTE ORDER GRANTING Defendant's <u>12</u> Motion for Extension of Time to File. The Court ORDERS that: (1) Defendant shall file its motion for summary judgment on or before October 20, 2017; (2) Plaintiffs shall file their opposition and cross-motion for summary judgment on or before November 15, 2017; (3) Defendant shall file its reply and opposition to the cross-motion for summary judgment on or before December 1, 2017; and (4) Plaintiffs shall file their reply regarding the cross-motion for summary judgment on or before December 15, 2017. So ORDERED by Judge James E. Boasberg on 10/10/2017. (lcjeb2) (Entered: 10/10/2017) |
| 10/10/2017 | | Set/Reset Deadlines: Summary Judgment motions due by 10/20/2017. Response to Motion for Summary Judgment due by 11/15/2017. Reply to Motion for Summary Judgment due by 12/1/2017. Plaintiffs' Replies due by 12/15/2017. (lsj) (Entered: 10/10/2017) |
| 10/20/2017 | <u>13</u> | MOTION for Summary Judgment <i>based upon prior settlment including mutual release, collateral estoppel, and res judicata</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Affidavit of Joseph Hunsader, # <u>5</u> Exhibit A (Pltfs' prior Judgment), # <u>6</u> Exhibit B (global settlement offer and acceptance letters), # <u>7</u> Exhibit C (Forms 211, 211A, etc.), # <u>8</u> Exhibit D (Pltfs' prior Complaint), # <u>9</u> Exhibit E (Pltfs' motion for disclosure) — Part 1, # <u>10</u> Exhibit E — Part 2, # <u>11</u> Exhibit E — Part 3, # <u>12</u> Exhibit E — Part 4, # <u>13</u> Exhibit E — Part 5, # <u>14</u> Exhibit F (USA opposition motion to disclose) — Part 1, # <u>15</u> Exhibit F — Part 2, # <u>16</u> Exhibit G (Order denying Pltfs' motion for disclosure), # <u>17</u> Exhibit H (Pltfs' proposed form of Judgment), # <u>18</u> Exhibit I (Pltfs' withdrawal motion to enforce judgments))(Hunsader, Joseph) (Entered: 10/20/2017) |
| 10/20/2017 | <u>14</u> | MOTION to Stay <i>obligation to affirmatively move for summary judgment on the ultimate merits of a FOIA lawsuit</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 10/20/2017) |
| 10/27/2017 | <u>15</u> | RESPONSE re <u>14</u> MOTION to Stay <i>obligation to affirmatively move for summary judgment on the ultimate merits of a FOIA lawsuit /Plaintiffs' Opposition to Defendant's Motion to Stay</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 10/27/2017) |
| 10/30/2017 | <u>16</u> | MOTION to Amend/Correct <u>8</u> Answer to Complaint by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Affidavit, # <u>4</u> Exhibit Proposed Amended Answer (REDLINE version), # <u>5</u> Exhibit Proposed Amended Answer (CLEAN version))(Hunsader, Joseph) (Entered: 10/30/2017) |

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| 11/03/2017 | <u>17</u> | REPLY to opposition to motion re <u>14</u> MOTION to Stay <i>obligation to affirmatively move for summary judgment on the ultimate merits of a FOIA lawsuit</i> filed by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 11/03/2017) |
| 11/03/2017 | <u>18</u> | Unopposed MOTION for Leave to File <i>Sur-Reply to Defendant's Motion for Stay</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Exhibit A – Plaintiffs' Sur-Reply to Defendant's Motion for Stay, # <u>2</u> Text of Proposed Order)(Boylan, Kim) (Entered: 11/03/2017) |
| 11/06/2017 | | MINUTE ORDER: Although Plaintiffs are correct in contending that Defendant has been somewhat protean in its handling of the summary-judgment briefing, the Court nonetheless believes that the most efficient way of handling the matter is to permit briefing on the threshold matters of release, estoppel, and res judicata first. As a result, the Court ORDERS that: 1) Plaintiffs' <u>18</u> Motion to File Sur-Reply is GRANTED; 2) Defendant's <u>14</u> Motion to Stay is GRANTED; 3) The parties shall confine this first round of briefing to those threshold issues; and 4) In the event the Court denies Defendant's Motion for Summary Judgment, it will set a further briefing schedule on the merits issues related to the search and withholdings. So ORDERED by Judge James E. Boasberg on 11/06/2017.(lcjeb2) (Entered: 11/06/2017) |
| 11/06/2017 | | ENTERED IN ERROR.....Case Stayed (nbn) Modified on 11/7/2017 (znbn). (Entered: 11/07/2017) |
| 11/07/2017 | | NOTICE OF CORRECTED DOCKET ENTRY: Case Stayed was entered in error. (nbn) (Entered: 11/07/2017) |
| 11/15/2017 | <u>19</u> | Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment <i>based upon prior settlement including mutual release, collateral estoppel, and res judicata / Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Based Upon Mutual Release, Collateral Estoppel, and Res Judicata</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Plaintiffs' Statement of Disputed Material Facts, # <u>2</u> Text of Proposed Order)(Boylan, Kim) (Entered: 11/15/2017) |
| 12/01/2017 | <u>20</u> | STRICKEN PURSUANT TO MINUTE ORDER FILED 12/6/2017.....REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment <i>based upon prior settlement including mutual release, collateral estoppel, and res judicata</i> filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N)(Hunsader, Joseph) Modified on 12/7/2017 (znmw). (Entered: 12/01/2017) |
| 12/05/2017 | <u>21</u> | MOTION to Strike <u>20</u> Reply to opposition to Motion,, / <i>Plaintiffs' Motion to Strike Declaration of Brett P. Ziegler [20-1]</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 12/05/2017) |
| 12/05/2017 | <u>22</u> | Unopposed MOTION for Leave to File <i>Sur-Reply to Defendant's Motion for Summary Judgment Based Upon Mutual Release, Collateral Estoppel, and Res Judicata</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 12/05/2017) |
| 12/06/2017 | | MINUTE ORDER: The Court ORDERS that Defendant's <u>20</u> Reply is STRICKEN for excessive footnoting, which violates the Court's Local Rules and constitutes an effort to circumvent the page limits. Defendant may refile its Reply by December 7, 2017, which may contain no more than 10 footnotes with an aggregate total of 30 lines. Plaintiffs' <u>22</u> Motion is GRANTED, and they may file a Sur-Reply limited to 15 pages by December 15, 2017. So ORDERED by Judge James E. Boasberg on 12/06/2017. (lcjeb2) (Entered: 12/06/2017) |
| 12/06/2017 | | Set/Reset Deadlines: Reply due by 12/7/2017. Sur-Reply due by 12/15/2017. (nbn) (Entered: 12/06/2017) |
| 12/07/2017 | <u>23</u> | REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment <i>based upon prior settlement including mutual release, collateral estoppel, and res judicata [Revised] Reply filed pursuant to Court's Minute Oder of Dec. 6, 2017</i> filed by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 12/07/2017) |

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| 12/15/2017 | <u>24</u> | SURREPLY to re <u>13</u> MOTION for Summary Judgment <i>based upon prior settlement including mutual release, collateral estoppel, and res judicata</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 12/15/2017) |
| 12/18/2017 | <u>25</u> | Memorandum in opposition to re <u>21</u> MOTION to Strike <u>20</u> Reply to opposition to Motion,, / <i>Plaintiffs' Motion to Strike Declaration of Brett P. Ziegler [20-1]</i> filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 12/18/2017) |
| 12/19/2017 | <u>26</u> | REPLY to opposition to motion re <u>21</u> MOTION to Strike <u>20</u> Reply to opposition to Motion,, / <i>Plaintiffs' Motion to Strike Declaration of Brett P. Ziegler [20-1]</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 12/19/2017) |
| 02/20/2018 | <u>27</u> | ORDER DENYING Defendant's <u>13</u> Motion for Summary Judgment; GRANTING Defendant's <u>16</u> Motion to Amend/Correct; and DENYING AS MOOT Plaintiff's <u>21</u> Motion to Strike. The Court ORDERS that the parties shall submit a joint proposed briefing schedule on or before February 27, 2018. Signed by Judge James E. Boasberg on 2/20/18. (lcjeb1) (Entered: 02/20/2018) |
| 02/20/2018 | <u>28</u> | MEMORANDUM OPINION re <u>27</u> Order. Signed by Judge James E. Boasberg on 2/20/18. (lcjeb1) (Entered: 02/20/2018) |
| 02/20/2018 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 2/27/2018 (lsj) (Entered: 02/20/2018) |
| 02/20/2018 | <u>30</u> | Amended ANSWER to Complaint by INTERNAL REVENUE SERVICE.(td) (Entered: 02/27/2018) |
| 02/27/2018 | <u>29</u> | PROPOSED BRIEFING SCHEDULE / <i>Joint Proposed Briefing Schedule</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 02/27/2018) |
| 02/28/2018 | | MINUTE ORDER: Per the parties' <u>29</u> Joint Proposed Briefing Schedule, the Court ORDERS that: (1) Defendant shall file its Motion for Summary Judgment on the Ultimate Merits of a FOIA Lawsuit on or before April 9, 2018; (2) Plaintiffs shall file their consolidated Opposition to Defendant's Motion for Summary Judgment and Cross-Motion for Summary Judgment on the Ultimate Merits of a FOIA Lawsuit on or before May 11, 2018; (3) Defendant shall file its Reply in Support of Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross-Motion for Summary Judgment on or before May 25, 2018; and (4) Plaintiffs shall file their consolidated Reply in Support of Plaintiffs' Cross-Motion for Summary Judgment on or before June 11, 2018. So ORDERED by Judge James E. Boasberg on 2/28/2018. (lcjeb2) (Entered: 02/28/2018) |
| 02/28/2018 | | Set/Reset Deadlines: Summary Judgment motions due by 4/9/2018. Response to Motion for Summary Judgment due by 5/11/2018. Reply to Motion for Summary Judgment due by 5/25/2018. Plaintiffs' Replies due by 6/11/2018. (lsj) (Entered: 02/28/2018) |
| 04/09/2018 | <u>31</u> | MOTION for Summary Judgment <i>on Plaintiffs' FOIA complaint based upon the "Glomar response"</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Affidavit by Patricia Williams (redacted — entire declaration to be filed under seal with leave of Court), # <u>5</u> Affidavit of Pamela Sharisse Tompkins, # <u>6</u> Affidavit of Amy Mielke)(Hunsader, Joseph) (Entered: 04/09/2018) |
| 04/09/2018 | <u>32</u> | MOTION for Leave to File <i>Declarations or portions thereof IN CAMERA and UNDER SEAL</i> re <u>31</u> MOTION for Summary Judgment <i>on Plaintiffs' FOIA complaint based upon the "Glomar response"</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 04/09/2018) |
| 04/10/2018 | | MINUTE ORDER GRANTING <u>32</u> Motion to File In Camera and Under Seal. The Court ORDERS that Defendant shall submit the referenced materials in camera on or before April 17, 2018. So ORDERED by Judge James E. Boasberg on 4/10/2018. (lcjeb2) (Entered: 04/10/2018) |

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| 04/10/2018 | | Set/Reset Deadlines: In-Camera Submission due by 4/17/2018. (lsj) (Entered: 04/10/2018) |
| 04/11/2018 | <u>33</u> | MOTION for Leave to File <i>Opposition to Defendant's Motion for Leave to Submit Declarations for the Court's In Camera Review</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Plaintiffs' Memorandum in Opposition to Defendant's Motion for Leave to Submit Declarations for the Court's In Camera Review, # <u>2</u> Text of Proposed Order)(Boylan, Kim) (Entered: 04/11/2018) |
| 04/17/2018 | <u>34</u> | NOTICE of Submissions of Declarations IN CAMERA for the Court's review by INTERNAL REVENUE SERVICE re <u>31</u> MOTION for Summary Judgment on Plaintiffs' FOIA complaint based upon the "Glomar response" (Hunsader, Joseph) (Entered: 04/17/2018) |
| 04/25/2018 | <u>35</u> | Memorandum in opposition to re <u>33</u> MOTION for Leave to File <i>Opposition to Defendant's Motion for Leave to Submit Declarations for the Court's In Camera Review</i> filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 04/25/2018) |
| 04/26/2018 | <u>36</u> | REPLY to opposition to motion re <u>33</u> MOTION for Leave to File <i>Opposition to Defendant's Motion for Leave to Submit Declarations for the Court's In Camera Review</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 04/26/2018) |
| 04/26/2018 | | MINUTE ORDER: The Court ORDERS that Plaintiffs' <u>33</u> Motion is GRANTED inasmuch as their Opposition may be filed. To the extent the Court considers any ex parte materials, it will ensure that Plaintiffs are given an opportunity to be heard such that they are not thereby prejudiced. So ORDERED by Judge James E. Boasberg on 4/26/2018. (lcjeb2) (Entered: 04/26/2018) |
| 04/26/2018 | <u>37</u> | Memorandum in opposition to re <u>32</u> MOTION for Leave to File Declarations or portions thereof IN CAMERA and UNDER SEAL re 31 MOTION for Summary Judgment on Plaintiffs' FOIA complaint based upon the "Glomar response" filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (jf) (Entered: 05/01/2018) |
| 05/11/2018 | <u>38</u> | STRICKEN PURSUANT TO MINUTE ORDER OF 5/14/18. . . .Memorandum in opposition to re <u>31</u> MOTION for Summary Judgment on Plaintiffs' FOIA complaint based upon the "Glomar response" / Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Upon Plaintiffs' Complaint and Plaintiffs' Cross-Motion for Summary Judgment filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Plaintiffs' Statement of Disputed Material Facts, # <u>2</u> Plaintiffs' Statement of Undisputed Material Facts, # <u>3</u> Text of Proposed Order)(Boylan, Kim) Modified on 5/14/2018 (ztd). (Entered: 05/11/2018) |
| 05/11/2018 | <u>39</u> | STRICKEN PURSUANT TO MINUTE ORDER FILED 5/14/18. . . .Cross MOTION for Summary Judgment / Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Upon Plaintiffs' Complaint and Plaintiffs' Cross-Motion for Summary Judgment by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Plaintiffs' Statement of Disputed Material Facts, # <u>2</u> Plaintiffs' Statement of Undisputed Material Facts, # <u>3</u> Text of Proposed Order)(Boylan, Kim) Modified on 5/14/2018 (ztd). (Entered: 05/11/2018) |
| 05/14/2018 | | MINUTE ORDER: The Court ORDERS that Plaintiffs' [38-39] briefs are STRICKEN without prejudice as violating LCvR 5(d)'s ban on excessive footnotes. Plaintiffs may file by May 15, 2018, briefs that contain no more than 10 footnotes with no more than 50 aggregate lines of text. So ORDERED by Judge James E. Boasberg on 5/14/2018.(lcjeb2) (Entered: 05/14/2018) |
| 05/14/2018 | <u>40</u> | Memorandum in opposition to re <u>31</u> MOTION for Summary Judgment on Plaintiffs' FOIA complaint based upon the "Glomar response" / Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Upon Plaintiffs' Complaint and Plaintiffs' Cross-Motion for Summary Judgment filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 05/14/2018) |
| 05/14/2018 | <u>41</u> | Cross MOTION for Summary Judgment / Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Upon Plaintiffs' Complaint and Plaintiffs' Cross-Motion for Summary Judgment by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY |

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| | | (Boylan, Kim) (Entered: 05/14/2018) |
| 05/14/2018 | | Set/Reset Deadlines: Brief due by 5/15/2018. (znbn) (Entered: 05/15/2018) |
| 05/25/2018 | <u>42</u> | RESPONSE re <u>41</u> Cross MOTION for Summary Judgment / <i>Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Upon Plaintiffs' Complaint and Plaintiffs' Cross-Motion for Summary Judgment</i> , <u>31</u> MOTION for Summary Judgment on <i>Plaintiffs' FOIA complaint based upon the "Glomar response"</i> filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Statement of Facts in Opposition to Plaintiff's Statement of Undisputed Facts in Support of Their Cross-Motion for Summary Judgment)(Hunsader, Joseph) (Entered: 05/25/2018) |
| 05/25/2018 | <u>43</u> | REPLY to opposition to motion re <u>31</u> MOTION for Summary Judgment <i>on Plaintiffs' FOIA complaint based upon the "Glomar response"</i> filed by INTERNAL REVENUE SERVICE; (See docket entry no. <u>42</u> to view.) (ztd) (Entered: 05/31/2018) |
| 06/11/2018 | <u>44</u> | REPLY to opposition to motion re <u>41</u> Cross MOTION for Summary Judgment / <i>Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Upon Plaintiffs' Complaint and Plaintiffs' Cross-Motion for Summary Judgment</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 06/11/2018) |
| 06/22/2018 | <u>45</u> | NOTICE OF SUPPLEMENTAL AUTHORITY by INTERNAL REVENUE SERVICE (Hunsader, Joseph) (Entered: 06/22/2018) |
| 06/25/2018 | <u>46</u> | RESPONSE re <u>45</u> NOTICE OF SUPPLEMENTAL AUTHORITY / <i>Plaintiffs' Response to Defendant's Notice of Subsequent Authority</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 06/25/2018) |
| 08/22/2018 | <u>47</u> | NOTICE of Subsequent Authority by INTERNAL REVENUE SERVICE (Hunsader, Joseph) (Entered: 08/22/2018) |
| 08/22/2018 | <u>48</u> | RESPONSE re <u>47</u> Notice (Other) / <i>Plaintiffs' Response to Defendant's Notice of Subsequent Authority</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 08/22/2018) |
| 09/06/2018 | <u>49</u> | ORDER: For the reasons set forth in the accompanying Memorandum Opinion, the Court ORDERS that: 1) Defendant's <u>31</u> Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART; 2) Plaintiff's <u>41</u> Cross-Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART; and 3) The parties shall submit a joint status report by September 20, 2018, with a joint proposed schedule for resolving what remains of the case. Signed by Judge James E. Boasberg on 9/6/2018. (lcjeb3) (Entered: 09/06/2018) |
| 09/06/2018 | <u>50</u> | MEMORANDUM OPINION re <u>49</u> ORDER on Defendant's Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment. Signed by Judge James E. Boasberg on 9/6/2018. (lcjeb3) (Entered: 09/06/2018) |
| 09/06/2018 | | Set/Reset Deadlines: Joint Status Report due by 9/20/2018. (znbn) (Entered: 09/07/2018) |
| 09/14/2018 | <u>51</u> | MOTION for Reconsideration re <u>50</u> Memorandum & Opinion, <u>49</u> Order on Motion for Summary Judgment,,, , MOTION for Hearing / <i>Plaintiffs' Motion for Reconsideration and Opportunity to be Heard</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Declaration of Kim Marie Boylan in Support of Motion for Reconsideration and Opportunity to be Heard, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Boylan, Kim) (Entered: 09/14/2018) |
| 09/20/2018 | <u>52</u> | Joint STATUS REPORT by <i>Plaintiffs and Defendant</i> by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 09/20/2018) |
| 09/25/2018 | | MINUTE ORDER: Per the parties' <u>52</u> Joint Status Report, the Court ORDERS that: 1) Defendant shall file its opposition to Plaintiffs' Motion for Reconsideration by October 5, 2018, with Plaintiffs' reply due by October 26, 2018; and 2) As to Items 6-12, Defendant shall inform the Court by October 16, 2018, whether it will submit further affidavits or renew its search; in either event, Defendant shall also propose a schedule for its actions. So ORDERED by Judge James E. Boasberg on 9/25/2018. (lcjeb2) |

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| 09/25/2018 | | Set/Reset Deadlines: Motions due by 10/5/2018. Replies due by 10/26/2018. Defendant shall inform the Court by 10/16/18, whether it will submit further affidavits or renew its search; in either event, Defendant shall also propose a schedule for its actions. (znbn) (Entered: 09/26/2018) |
| 10/04/2018 | <u>53</u> | RESPONSE re <u>51</u> MOTION for Reconsideration re <u>50</u> Memorandum & Opinion, <u>49</u> Order on Motion for Summary Judgment,,, MOTION for Hearing / <i>Plaintiffs' Motion for Reconsideration and Opportunity to be Heard</i> filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 10/04/2018) |
| 10/16/2018 | <u>54</u> | AFFIDAVIT re <u>50</u> Memorandum & Opinion and Court's Minute Order of September 25, 2018 by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 10/16/2018) |
| 10/16/2018 | <u>55</u> | STATUS REPORT pursuant to Court's September 25, 2018, Minute Order by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 10/16/2018) |
| 10/16/2018 | | MINUTE ORDER: A conference call is hereby set for Friday, October 19, 2018, at 9:30 a.m. to discuss scheduling. The Court ORDERS that the parties shall jointly call Chambers at (202) 354-3300 at this time (in Chambers). So ORDERED by Judge James E. Boasberg on 10/16/2018. (lcjeb2) (Entered: 10/16/2018) |
| 10/16/2018 | | Set/Reset Hearings: Telephone Conference set for 10/19/2018 at 09:30 AM in Chambers before Judge James E. Boasberg. (znbn) (Entered: 10/16/2018) |
| 10/19/2018 | | MINUTE ORDER: As discussed in today's conference call from chambers, the Court ORDERS that: 1) The parties shall submit a joint proposed briefing schedule regarding the Whistleblower Office search by October 22, 2018; 2) The Government will follow its proposed production schedule in the October 16, 2018, Status Report regarding the Bemont and Southgate files; and 3) The parties shall submit a joint status report about that production and briefing by April 5, 2019. So ORDERED by Judge James E. Boasberg on 10/19/2018. (lcjeb2) (Entered: 10/19/2018) |
| 10/19/2018 | | Set/Reset Deadlines: Proposed Briefing Schedule due by 10/16/2018. Joint proposed briefing schedule regarding the Whistleblower Office search by 10/22/2018. Status Report due by 4/5/2019. (znbn) Modified on 10/22/2018 to correct date error (znbn). (Entered: 10/19/2018) |
| 10/22/2018 | <u>56</u> | PROPOSED BRIEFING SCHEDULE / <i>Joint Proposed Status Report and Briefing Schedule</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 10/22/2018) |
| 10/22/2018 | | MINUTE ORDER: The Court ADOPTS the parties' <u>56</u> Joint Proposed Briefing Schedule and ORDERS that: 1) Plaintiffs shall file their Motion Challenging Sufficiency of Supplemental Whistleblower Office Declaration and Scope of Search by November 9, 2018; 2) Defendant shall file its Response to Plaintiffs' Motion by December 3, 2018; and 3) Plaintiffs shall file their Reply in support of their Motion by December 14, 2018. So ORDERED by Judge James E. Boasberg on 10/22/2018. (lcjeb2) (Entered: 10/22/2018) |
| 10/22/2018 | | Set/Reset Deadlines: Motion Challenging Sufficiency of Supplemental Whistleblower Office Declaration and Scope of Search due by 11/9/2018. Responses due by 12/3/2018. Replies due by 12/14/2018. (znbn) (Entered: 10/23/2018) |
| 10/26/2018 | <u>57</u> | REDACTED DOCUMENT- Redacted Exhibits A, B, and C to replace Dkt. Nos. 53-1, 53-2, and 53-3 to <u>53</u> Response to motion, by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Exhibit Redacted Exhibit B (to replace Dkt. No. 53-2, # <u>2</u> Exhibit Redacted Exhibit C (to replace Dkt. No. 53-3))(Hunsader, Joseph) (Entered: 10/26/2018) |
| 10/26/2018 | <u>58</u> | REPLY to opposition to motion re <u>51</u> MOTION for Reconsideration re <u>50</u> Memorandum & Opinion, <u>49</u> Order on Motion for Summary Judgment,,, MOTION for Hearing / <i>Plaintiffs' Motion for Reconsideration and Opportunity to be Heard</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Exhibit A)(Boylan, Kim) (Entered: 10/26/2018) |

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| 11/09/2018 | <u>59</u> | MOTION to Compel <i>Plaintiffs' Motion Challenging Sufficiency of Supplemental Whistleblower Office Declaration and Scope of Search</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) Modified event title on 11/13/2018 (znmw). (Entered: 11/09/2018) |
| 11/26/2018 | <u>60</u> | Memorandum in opposition to re <u>59</u> MOTION to Compel <i>re Sufficiency of Supplemental Whistleblower Office Declaration and Scope of Search</i> filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 11/26/2018) |
| 12/13/2018 | <u>61</u> | REPLY to opposition to motion re <u>59</u> MOTION to Compel filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 12/13/2018) |
| 01/10/2019 | <u>62</u> | ORDER: The Court ORDERS that: 1) Plaintiffs' <u>59</u> Motion Challenging the Sufficiency of the Search is GRANTED; 2) Defendant shall search the Whistleblower Office for records responsive to Plaintiffs' FOIA Requests 6–12 and submit the results to Plaintiffs, or explain why that office is not reasonably likely to possess such records; and 3) The parties shall submit a joint status report addressing the status of the search and production, if any, by February 20, 2019. Signed by Judge James E. Boasberg on 1/10/2019. (lcjeb3) (Entered: 01/10/2019) |
| 01/10/2019 | <u>63</u> | ORDER: For the reasons set forth in the accompanying Memorandum Opinion, the Court ORDERS that Plaintiffs' <u>51</u> Motion for Reconsideration is DENIED. Signed by Judge James E. Boasberg on 1/10/2019. (lcjeb3) (Entered: 01/10/2019) |
| 01/10/2019 | <u>64</u> | MEMORANDUM OPINION re <u>63</u> Order on Motion for Reconsideration and Opportunity to be Heard. Signed by Judge James E. Boasberg on 1/10/2019. (lcjeb3) (Entered: 01/10/2019) |
| 01/10/2019 | | Set/Reset Deadlines: Joint Status Report due by 2/20/2019. (znbn) (Entered: 01/11/2019) |
| 02/04/2019 | <u>65</u> | MOTION for Certification for interlocutory appeal / <i>Plaintiffs' Motion for Certification of this Court's Order of January 10, 2019, For Interlocutory Appeal</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 02/04/2019) |
| 02/06/2019 | <u>66</u> | ORDER: The Court ORDERS that Plaintiffs' <u>65</u> Motion to Certify Interlocutory Appeal is DENIED. Signed by Judge James E. Boasberg on 2/6/2019. (lcjeb3) (Entered: 02/06/2019) |
| 02/20/2019 | <u>67</u> | Joint STATUS REPORT by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 02/20/2019) |
| 02/21/2019 | | MINUTE ORDER: Having reviewed the parties' <u>67</u> Joint Status Report, the Court ORDERS that the Government shall submit any <i>in camera</i> filing by March 6, 2019. After reviewing such filing, the Court will determine what, if any, further briefing is required. So ORDERED by Judge James E. Boasberg on 2/21/2019. (lcjeb2) (Entered: 02/21/2019) |
| 02/21/2019 | | Set/Reset Deadlines: In–Camera Submission due by 3/6/2019. (znbn) (Entered: 02/22/2019) |
| 03/05/2019 | <u>68</u> | NOTICE of submission <i>In Camera</i> and under seal pursuant to Feb 21 Minute Order by INTERNAL REVENUE SERVICE (Hunsader, Joseph) (Entered: 03/05/2019) |
| 04/03/2019 | <u>69</u> | ORDER: For the reasons stated, the Court ORDERS that Defendant shall file a redacted copy of the <i>in camera</i> Declaration on the public docket by April 10, 2019, stating: (1) That they have adequately searched the Whistleblower Office for responsive documents, including those that may be related to a whistleblower; and (2) Either the result of the search, or that they are asserting Glomar with respect to any potentially responsive documents. Signed by Judge James E. Boasberg on 4/3/2019. (lcjeb3) (Entered: 04/03/2019) |
| 04/03/2019 | | Set/Reset Deadlines: Defendant shall file a redacted copy of the <i>in camera</i> Declaration on the public docket by 4/10/2019. (znbn) (Entered: 04/04/2019) |

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| 04/05/2019 | <u>70</u> | Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 04/05/2019) |
| 04/05/2019 | | MINUTE ORDER: The Court ADOPTS the parties' <u>70</u> Joint Status Report and ORDERS that they shall file another joint status report on or before June 28, 2019. So ORDERED by Judge James E. Boasberg on 4/5/2019. (lcjeb3) (Entered: 04/05/2019) |
| 04/05/2019 | | Set/Reset Deadlines: Joint Status Report due by 6/28/2019. (znbn) (Entered: 04/08/2019) |
| 04/10/2019 | <u>71</u> | NOTICE of Compliance with Court Order (Dkt. No. 69) by INTERNAL REVENUE SERVICE re <u>69</u> Order,, (Attachments: # <u>1</u> Declaration Redacted Declaration of Joseph Hebb)(Hunsader, Joseph) (Entered: 04/10/2019) |
| 04/11/2019 | | MINUTE ORDER: In light of Defendant's <u>71</u> Notice, the Court ORDERS that the parties shall confer on how they wish to proceed in regard to this issue. If Plaintiffs are challenging the IRS's position, the Court ORDERS that the parties shall submit a joint proposed briefing schedule by April 25, 2019. So ORDERED by Judge James E. Boasberg on 4/11/2019. (lcjeb3) (Entered: 04/11/2019) |
| 04/11/2019 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/25/2019. (znbn) (Entered: 04/12/2019) |
| 04/24/2019 | <u>72</u> | PROPOSED BRIEFING SCHEDULE / <i>Joint Proposed Briefing Schedule</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) (Entered: 04/24/2019) |
| 04/24/2019 | | MINUTE ORDER: The Court ADOPTS the parties' <u>72</u> Joint Proposed Briefing Schedule and ORDERS that: 1) Plaintiffs shall file their Motion Challenging Defendant's Whistleblower Office Declaration and Position by May 8, 2019; 2) Defendant shall file its Opposition to Plaintiffs' Motion by May 28, 2019; and 3) Plaintiffs shall file their Reply in support of their Motion by June 12, 2019. So ORDERED by Judge James E. Boasberg on 4/24/2019. (lcjeb2) (Entered: 04/24/2019) |
| 04/25/2019 | | Set/Reset Deadlines: Motions due by 5/8/2019. Responses due by 5/28/2019. Replies due by 6/12/2019. (lsj) (Entered: 04/25/2019) |
| 05/08/2019 | <u>73</u> | MOTION to Compel <i>Plaintiffs' Motion Challenging Defendant's Whistleblower Office Declaration and Position</i> by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY (Attachments: # <u>1</u> Text of Proposed Order)(Boylan, Kim) Modified event title on 5/10/2019 (znmw). (Entered: 05/08/2019) |
| 05/28/2019 | <u>74</u> | Memorandum in opposition to re <u>73</u> MOTION to Compel filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 05/28/2019) |
| 06/12/2019 | <u>75</u> | REPLY to opposition to motion re <u>73</u> MOTION to Compel / <i>Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion Challenging Defendant's Whistleblower Office Declaration and Position</i> filed by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Attachments: # <u>1</u> Exhibit A)(Boylan, Kim) (Entered: 06/12/2019) |
| 06/28/2019 | <u>76</u> | Joint STATUS REPORT by BETH W. MONTGOMERY, THOMAS A. MONTGOMERY. (Boylan, Kim) (Entered: 06/28/2019) |
| 07/01/2019 | | MINUTE ORDER: The parties' latest <u>76</u> Joint Status Report contains a number of disagreements on next steps. It appears to the Court that these are best resolved via a motion for partial summary judgment, rather than a declaration and further objections. The Court, accordingly, ORDERS that the parties shall confer and submit a joint proposed briefing schedule by July 8, 2019. So ORDERED by Judge James E. Boasberg on 7/1/2019. (lcjeb3) (Entered: 07/01/2019) |
| 07/01/2019 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 7/8/2019. (znbn) (Entered: 07/01/2019) |
| 07/05/2019 | <u>77</u> | Unopposed MOTION for Extension of Time to File <i>to file Joint Proposed Briefing Schedule</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Carroll, Jonathan) (Entered: 07/05/2019) |

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| 07/05/2019 | | MINUTE ORDER GRANTING Defendant's <u>77</u> Motion for Extension of Time. The Court ORDERS that the parties shall confer and submit a joint proposed briefing schedule by July 12, 2019. So ORDERED by Judge James E. Boasberg on 7/5/2019. (lcjeb2) (Entered: 07/05/2019) |
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